

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

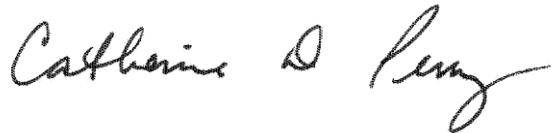
ROBERT EVELAND, et al., )  
Plaintiffs, )  
v. ) No. 4:22 CV 1068 CDP  
CITY OF ST. LOUIS, et al., )  
Defendants. )

## **MEMORANDUM AND ORDER**

Upon application of plaintiffs to excuse defendant F.I.R.E. from mediation [74] on the grounds that it is in default and has not participated in any meaningful respect in this case despite efforts of plaintiffs to cure F.I.R.E.'s default, it plainly appearing that F.I.R.E. has not filed a responsive pleading to the Third Amended and Supplemental Complaint despite entry of an appearance October 28, 2022, ECF 4, and answering the complaint on November 20, 2022, ECF 5, and given F.I.R.E.'s failure to oppose plaintiffs' motion,

**IT IS HEREBY ORDERED** that plaintiffs' motion to modify ADR order [74], which is construed as a motion for entry of default against defendant F.I.R.E. under Fed. R. Civ. P. 55(a) and a motion to excuse F.I.R.E. from participation in mediation, is granted, and the **Clerk of the Court shall enter default against**

**defendant F.I.R.E. under Fed. R. Civ. P. 55(a)** and, as such, defendant F.I.R.E.  
is excused from, and precluded from participation in, mediation.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2024.